

Advisory Opinions on Consent Agenda - April 2022

Item #	Docket #	Caption	Analysis	Recommendation
G7	2021-882	Advisory Opinion request from Paul D. Escott, Assistant City Parish Attorney for Lafayette Consolidated Government, regarding Act 340 of 2021 Regular Session and changes to R.S. 42:1123(34).	A board member is prohibited by R.S. 42:1113B from submitting, or having, an application to his own board. All criteria of R.S. 42:1123(34) must be met for the exception to apply. See memo attached to agenda item for a more detailed analysis.	Adopt the proposed advisory opinions.
G8	2021-988	Request for approval of a disqualification plan from Fire Chief Michael Kimble, Baton Rouge Fire Department, relative to the employment of brothers, Jared Robertson and Jerome Robertson.	Since Jared Robertson is not the agency head, Jerome Robertson can continue with his employment. Further, The disqualification plan meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics. Jared Robertson would not supervise or participate in any matter concerning an economic benefit related to his brother, Jerome Robertson. Jared Robertson's supervisor, Scott Petuis, Chief of Special Services or Jeremy Spillman, Chief of Administration, will supervise Jerome Robertson and handle all matters pertaining to Jerome Robertson's promotions, evaluations, time worked, requested leave, timesheets, callout services, discipline, or any other matter concerning an economic benefit to Jerome Robertson.	Approve the disqualification plan.

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G9	2022-073	Advisory Opinion request from Nancy Buteau, Clerk for the Village of Loreauville (Pop. 658) in Iberia Parish, regarding the potential hiring of her son by the Village.	Ms. Buteau stated that her son has accepted employment elsewhere. Therefore the advisory opinion is no longer needed. She asked that her request be withdrawn.	Accept withdrawal of the advisory opinion request.
G10	2022-074	A Request for an Advisory Opinion, submitted by Dr. Louis Trachtman, MD, MPH of the Louisiana Office of Public Health ("OPH") - Tuberculosis Control Program ("TCP"), regarding whether the Louisiana Code of Governmental Ethics would prohibit him from accepting an e-Gift certificate from the Preventive Medicine residency program at Tulane University School of Medicine, while he is a part-time employee of the TCP.	Based on the facts presented, the Code does not prohibit Dr. Trachtman from accepting an e-Gift certificate from the Preventive Medicine residency program, while he is a part-time employee of the TCP. His agency is defined as the office in which he carries out his primary responsibilities. The TCP is a program of the Louisiana Department of Health. La. R.S. 42:1115(A)(1) prohibits a public servant from soliciting or accepting, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to has a contractual, business or financial relationship with the public servant's agency. Tulane University School of Medicine does not have a contractual relationship with the TCP, which is his agency.	Adopt the proposed opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G11	2022-079	Advisory Opinion from Gary Joynor, on behalf of Jackson Parish Watershed District, as to whether the former president of the District may assist a contractor performing certain services.	Mr. Smith served as a board member of the District, which role qualifies him as a former agency head under La. R.S. 42:1102(3). As Mr. Smith was an agency head, La. R.S. 42:1121A(1) shall apply. Accordingly, for a period of two years after his termination of service to the District, Mr. Smith may not assist another person, for compensation, in a transaction involving the District. The Code of Governmental Ethics would permit Mr. Smith to provide services to Mr. Ortego involving the District, provided that Mr. Smith is not compensated for such services.	Adopt proposed advisory opinion.
G12	2022-080	Advisory Opinion request from Grisela A. Jackson, as to whether she may serve on the board of New Orleans College Prep Charter School ("NOCP") after her service on the Orleans Parish School Board.	As a member of the School Board appointed to fill a vacancy, Ms. Jackson was an elected official under La. R.S. 42:1102(9), and so La. R.S. 42:1121A(1) shall apply. Accordingly, for a period of two years after her termination of service to the District, she may not assist another person, for compensation, in a transaction involving the School Board. As NOCP's charter is issued and under the authority of the School Board, any actions taken by NOCP to comply with its charter would be deemed to involve the School Board. The Ethics Code would not prohibit Ms. Jackson from serving on the NOCP board and assisting it in matters involving the District, provided that she is not compensated for such services.	Adopt proposed advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G13	2022-084	Request for an Advisory Opinion from Michelle Neil, legal counsel for Terrebonne Parish Consolidated Government ("TPCG") (pop. 109,580) relative to approving a disqualification plan affecting Gregory Harding, an Athletics Program Coordinator for the Parks and Recreation Department, and his minor son, who would like to be hired as a Scorekeeper/Clock Operator.	Although Roddy Lerille is the agency head over the Parks and Recreation Department, an argument could be made that Gregory Harding is an agency head over the west side facilities and Christopher Singleton is an agency head over the east side facilities. Nonetheless, there would be no violation if his son were to be employed in the Parks and Recreation Department for facilities on the east side of the parish, since Mr. Harding is not an agency head for the east side. The disqualification plan meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics. Gregory Harding would not supervise his son who would work in facilities under the supervision of Christopher Singleton.	Approve the proposed advisory opinion and approve the disqualification plan.

Item #	Docket #	Caption	Analysis	Recommendation
G14	2022-093	Request for an Advisory Opinion from Julhelene Jackson, an Assistant District Attorney in the 13th Judicial District, as to whether she can also serve as the City Prosecutor for Ville Platte City Court. Ville Platte (pop. 6,303) is in Evangeline Parish (pop.32,350).	The Ethics Code would not prohibit Ms. Jackson from being appointed City Prosecutor while serving as an Assistant District Attorney. Ms. Jackson's duties and responsibilities as an Assistant District Attorney are to prosecute juvenile cases in Ville Platte City Court. As an Assistant District Attorney, Ms. Jackson, does not prosecute misdemeanor adult cases. Since Ms. Jackson would be prosecuting adults as the City Prosecutor, she would not be performing a service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of her agency and in which she has participated since she is a juvenile prosecutor in Ville Platte City Court. Ms. Jackson will be directed to the AG for questions regarding the dual office holding laws.	Adopt the proposed advisory opinion draft.

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G15	2022-094	A Request for an Advisory Opinion, submitted Lynn Dias-Button, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit her from accepting a part-time position with Blue Cross and Blue Shield of Louisiana ("BCBSLA") while maintaining her employment with the Louisiana Workforce Commission ("LWC") - Unemployment Insurance division ("UI").	Her agency is defined as the office in which she carries out her primary responsibilities, if she serves in 1 of the 20 state departments. 42:1102(2)(a)(i). Accordingly, her agency is the UI Division of the LWC (LWC/UI). 42:1111(C)(1)(a) prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which they participated. Here, she would be providing services for BCBSLA as a proofreader. Proofreading is not a subject matter that is substantially devoted to the responsibilities, programs, or operations of LWC/UI, and not a service in which she has participated. R.S. 42:1112(B)(3) prohibits a public servant from participating in a matter in which any person of which she is an officer, director, trustee, partner, or employee has a substantial economic interest. Although she has medical insurance coverage with BCBSLA through OGB, her procurement of medical insurance coverage through OGB does not constitute an impermissible participation because she is not participating in a governmental transaction as a public servant involving LWC/UI.	Adopt the proposed opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G16	2022-095	Advisory Opinion request of Phillip Jackson, Administrator of the Caddo-Shreveport Sales and Use Tax Commission, regarding his service on his local HOA Board of Directors.	In the event the HOA becomes subject to an audit by the Tax Commission, R.S. 42:1111E(1) will prohibit Phillip Jackson from assisting the HOA, for compensation, with the audit. R.S. 42:1112B(3) will also prohibit Mr. Jackson from participating in the audit involving the HOA in his capacity as the Administrator/Director for the Tax Commission, since the HOA would have a substantial economic interest in the audit.	Adopt the proposed advisory opinion.
G17	2022-096	Advisory opinion request regarding whether the post-employment restrictions in the Louisiana Code of Governmental Ethics would prohibit Jane Dye from shifting from her full-time position as Chief Executive Officer (CEO) of Belle Chase Academy (Academy) to a part-time position with the Academy.	Under the post-employment restrictions found in Section 1121A of the Code, Ms. Dye would not be terminating her public employment; therefore, the post-employment restrictions of the Code would not apply to her since she is not terminating her status as a public employee. Therefore, the Code of Governmental Ethics would not prohibit Ms. Dye from accepting a part-time position from the Academy.	Adopt draft advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G18	2022-112	Advisory Opinion request from Bradley Mistich as to whether he may provide engineering services to a prospective employer relating to certain transactions with the Louisiana Department of Transportation and Development.	As an Engineer 6 for DOTD, Mr. Mistich is a public employee under La. R.S. 42:1102(18)(a). Further, he is not the chief executive or administrative officer of his agency, the Bridge Maintenance Division, so he does not qualify as an agency head under La. R.S. 42:1102(3). Accordingly, as he is not the head of an agency or an elected official, the general rule for all other public employees, La. R.S. 42:1121B, shall apply. Accordingly, for a period of two years after his termination of service to DOTD, Mr. Mistich may not assist any person in transactions involving his governmental entity, the State of Louisiana, in which he participated during his public employment.	Adopt proposed advisory opinion.
G19	2022-116	Request for an Advisory Opinion from Marcus Mitchell, a former employee of the Shreveport Police Department, relative to whether his company, Toussaint Research Group, LLC can contract to provide services to Blue Line Solutions, LLC, a Tennessee - based company, that is seeking to contract with the City of Shreveport.	The Ethics Code would not prohibit Mr. Mitchell, or his company, TRG, from contracting with BLS, while BLS is actively seeking to contract with the City of Shreveport to provide traffic enforcement services. As an employee with the Shreveport Police Department, Mr. Mitchell did not participate in a transaction, or in an appearance in connection with a transaction, involving traffic enforcement utilizing cameras and other equipment installed on city thoroughfares. Further, marketing, advertising, and public information distribution services that Mr. Mitchell provides to BLS, are not the same services rendered by Mr. Mitchell to the Shreveport Police Department.	Adopt the proposed advisory opinion draft.